

## **SUBCHAPTER 1. PERSONS REQUIRED TO BE EXCLUDED**

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### **13:69G -1.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Candidate" means any person whose name is included in a petition to place such person on the exclusion list pursuant to section 71 of the Act and these regulations.

"Career or professional offender" means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this state.

"Cheat" means any person whose act or acts in any jurisdiction would constitute any offense under Sections 113, 114, and 115 of the Act, if prosecuted under New Jersey law.

"Excluded person" means any person who has been placed upon the list by preliminary or final order of the Division and who pursuant to section 71 of the Act and these regulations is required to be excluded or ejected from a casino hotel facility.

"List or exclusion list" means a list of names of persons who, pursuant to Section 71 of the Act and the Division 's regulations, are required to be

excluded or ejected from casino hotel facilities.

"Occupational manner or context" means the systematic planning, administration, management, or execution of an activity for financial gain.

### **13:69G -1.2 Maintenance and distribution of list**

(a) The Division shall maintain a list of persons to be excluded or ejected from a licensed casino establishment.

(b) The list shall be open to public inspection and shall be distributed to every casino licensee within this State, who shall acknowledge receipt thereof in writing.

(c) Each casino licensee shall have the responsibility to distribute copies of the list to its employees. Any additions, deletions, or other updates to the list shall be distributed by each casino licensee to its employees within two business days of the casino licensee's receipt of such updates from the Division.

### **13:69G -1.3 Criteria for exclusion**

(a) The exclusion list may include any person who meets any of the following criteria:

1. A career or professional offender whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein;

2. An associate of a career or professional offender whose association is such that his or her presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein;

3. Any person who has been convicted of a criminal offense under the laws of any State, or of the United States, which is punishable by more than six months in prison, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in a licensed casino

establishment would be inimical to the interest of the State of New Jersey or of licensed gaming therein; or

4. Any person whose presence in a licensed casino establishment would be inimical to the interest of the State of New Jersey or licensed gaming therein, including, but not limited to:

- i. Cheats;
- ii. Persons whose privileges for licensure have been revoked;
- iii. Persons who pose a threat to the safety of the patrons or employees of a casino licensee;
- iv. Persons with a documented history of conduct involving the undue disruption of the gaming operations of casino licensees; and
- v. Persons subject to an order of the Superior Court of New Jersey excluding such persons from all casino hotel facilities.

(b) For purposes of (a) above:

1. A person's presence may be considered "inimical to the interest of the State of New Jersey or of licensed gaming therein" if known attributes of such person's character and background:

- i. Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of licensed casino gaming;
- ii. Could reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by the Act; or
- iii. Would create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

2. A finding of inimicality may be based upon the following:

- i. The nature and notoriety of the attributes of character or background of the person;
- ii. The history and nature of the involvement of the person

with licensed casino gaming in New Jersey or any other jurisdiction, or with any particular casino licensee or licensees or any related company thereof;

iii. The nature and frequency of any contacts or associations of the person with any casino licensee or licensees, or with any employees or agents thereof; or

iv. Any other factor reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of gaming operations, the casino industry and its employees.

(c) Race, color, creed, national origin or ancestry, or sex shall not be a reason for placing the name of any person upon such list.

#### **13:69G -1.4 Duties of the Division of Gaming Enforcement**

(a) The Division shall, on its own initiative, or upon referral, investigate any individual who would appear to be an appropriate candidate for placement on the exclusion list.

(b) If, upon completion of an investigation, the Division determines that an individual should be placed on the exclusion list, the Division shall commence an action, identifying the candidate and setting forth a factual basis why the Division believes the candidate satisfies the criteria for exclusion established by section 71 of the Act and this chapter.

(c) If the Division files a complaint alleging a violation of section 71d of the Act and N.J.A.C. 13:69G -1.7(a)2 against any licensee, the Division shall simultaneously commence an action to exclude the person alleged in the complaint to meet the criteria for exclusion in N.J.A.C. 13:69G -1.3.

#### **13:69G -1.5 Procedure for entry of names**

(a) The Division may place a person on the exclusion list as follows:

1. Upon commencement of an action in accordance with the procedures set forth at N.J.A.C. 19:42-4; or
2. Upon receipt of an order of the Superior Court of New Jersey

excluding such person from all casino hotel facilities. The Division shall consider such action forthwith upon receipt of the court order, with at least 15 days notice to such person by certified mail at his or her last known address.

### **13:69G-1.5A Preliminary placement of candidate on list**

(a) In addition to filing a petition for exclusion, the Division may preliminarily place the candidate on the exclusion list pending completion of the plenary hearing for exclusion. A preliminary placement on the list shall be supported by reliable documentary or other evidence. Upon notice of preliminary placement on the list, the excluded person may, within 15 days from receipt of the Order, request a hearing.

(b) The preliminary placement of a candidate on the exclusion list pursuant to section 71 of the Act, N.J.A.C. 19:42-4 and this chapter shall have the effect of requiring the exclusion or ejection of the excluded person from any casino hotel facility.

### **13:69G-1.6 Information contained on list**

(a) The following information and data shall be provided for each excluded person:

1. The full name and all aliases the person is believed to have used;
2. A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and any other physical characteristics which may assist in the identification of the person;
3. Date of birth;
4. The effective date of the order mandating the exclusion or ejection of the person named therein;
5. A photograph, if obtainable, and the date thereof,
6. Such other miscellaneous information as is deemed necessary by the Division for the enforcement of this regulation.

### **13:69G-1.7 Duty of casino licensee**

(a) A casino licensee shall exclude or eject the following persons from its casino hotel facility:

1. Any excluded person; or
2. Any person known to the casino licensee to satisfy the criteria for exclusion set forth in section 71 of the Act and N.J.A.C. 13:69G -1.3(a).

(b) If an excluded person enters, attempts to enter, or is in a casino hotel facility and is recognized by the casino licensee, the casino licensee shall immediately notify the Division of such fact.

(c) It shall be the continuing duty of a casino licensee to inform the Division in writing of the names of persons it believes are appropriate for placement on the exclusion list.

### **13:69G-1.8 Petition to remove name from exclusion list**

(a) An excluded person may petition the Division to request a hearing concerning his or her removal from the list at any time after five years from the placement by the Division of such person on the list.

(b) The petition shall be verified, with supporting affidavits, and shall state with particularity the grounds believed by the petitioner to constitute good cause for his removal from the list.

(c) The Division may decide the petition on the basis of the documents submitted by the excluded person. The Division may summarily deny the petition, may grant the petition or may direct that a hearing be held in accordance with N.J.A.C. 19:42-4. Such petition shall be granted by the Division only upon a finding that circumstances have changed to such an extent since the placement of the excluded person on the list that the excluded person no longer satisfies the criteria for exclusion set forth by N.J.A.C. 13:69G -1.3.